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C O N F I D E N T I A L BOGOTA 003521

SIPDIS

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SUBJECT: COLOMBIAN COURTS TAKE TWO STEPS FORWARD, ONE STEP BACK

REF: A)BOGOTA 3491; B) BOGOTA 3375

CLASSIFIED BY: Brian A. Nichols, Deputy Chief of Mission; REASON:
1.4(B), (D)

11. (SBU) The Colombian courts handed down two positive decisions in human rights cases, and a disappointing one in a public corruption case. On December 2 the Supreme Court sentenced former Sucre Department Governor and Ambassador to Chile Salvador Arana to 40 years in prison for his role in ordering the assassination of a mayor by paramilitaries in 2003. At the time of his indictment Arana resigned his ambassadorship and disappeared, but was later apprehended by Colombian authorities in May 2008. The Court notified the International Criminal Court (ICC) of its ruling to demonstrate the effectiveness of the Colombian justice system. The sentence is the longest handed down by the Supreme Court in the "parapolitica" scandal -- in which dozens of politicians are accused of collaborating with paramilitaries. It is especially noteworthy because the magistrates' stiff sentence punished the intellectual author of the crime as if he had physically carried it out. Separately, on November 26 a Bogota court sentenced former Army General Jaime Humberto Uscategui to 40 years for the 1997 Mapiripan, Meta, massacre (REF A) during which 40 unarmed peasants were killed by United Self-Defense Forces of Colombia (AUC) paramilitaries deploying from Uscategui's Colombian Army base. Although Uscategui plans to appeal, his 40-year sentence remains a landmark as the most severe punishment given to an army general.

12. (U) In an expected yet troubling development, on December 3 the Supreme Court absolved former Navy Admiral Gabriel ArangoBacci of all charges related to collaboration with narco-traffickers (REF B). Furthermore, the Court ordered an investigation of former Defense Minister Juan Santos, Navy Commander Admiral Guillermo Barrera, and Captain Jorge Tovar for leaking proof of Arango's supposed guilt to the press before referring the case to legal authorities. Barrera read a statement December 4 asserting that the Navy complied with all obligations to inform the competent authorities of Arango's alleged wrongdoings. Ambassador Brownfield told reporters December 4 the United States is awaiting an explanation of who leaked sensitive U.S. navigation charts to drug traffickers attempting to evade U.S. interdiction patrols.

13. (C) COMMENT: Supreme Court contacts have told us they intend to issue judgments in at least 80 additional cases prior to December 15 in an effort to clear their desks prior to the holiday season.
BROWNFIELD